

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

CESAR BARROS,
Plaintiff

v.

JOHN E. WETZEL,
Defendant

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No. 14-cv-1746

(Judge Kane)

ORDER

Before the Court in the above-captioned case is the March 2, 2017 Report and Recommendation of Magistrate Judge Saporito. (Doc. No. 63.) Plaintiff has not filed timely objections to the Report and Recommendation, and Defendant notified the Court on March 23, 2017 of its intent not to file objections. (Doc. No. 66.) **ACCORDINGLY**, on this 29th day of March 2017, upon review of the record and the applicable law, **IT IS ORDERED THAT:**

1. The Court adopts the Report and Recommendation (Doc. No. 63), of Magistrate Judge Saporito;
2. Defendant's motion for summary judgment (Doc. No. 53), is **GRANTED IN PART** and **DENIED IN PART**, as follows:
 - a. Defendant's motion for summary judgment is **GRANTED** as to any construed claim for monetary damages under the Religious Land Use and Institutionalized Persons Act of 2000 ("RLUIPA");
 - b. Defendant's motion for summary judgment is **DENIED** as to Plaintiff's RLUIPA claim, to the extent it seeks injunctive and declaratory relief;
 - c. Defendant's motion for summary judgment is **DENIED** as to Plaintiff's construed First Amendment claim;
3. Plaintiff's request for preliminary injunction (Doc. No. 48), is **DENIED**;
4. Defendant's motion for referral to the Prisoner Litigation Settlement Program (Doc. No. 67), is **GRANTED**, and the above-captioned action is **STAYED** pending resolution of the settlement proceedings; and

5. The above-captioned action is referred back to Magistrate Judge Saporito for further pretrial management pending the outcome of the Prisoner Litigation Settlement Program.

s/ Yvette Kane

Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania